

TITLE 329 SOLID WASTE MANAGEMENT BOARD

IDEM-S SUGGESTED CHANGES TO THE PROPOSED RULE REGARDING AMENDMENTS TO THE UNDERGROUND STORAGE TANK RULES AT 329 IAC 9 LSA Document #01-161

Revision made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version (LSA Document #01-161) have been made in the version of this rule presented to the board for final adoption.

Page 1209	1.	329 IAC 9-1-1(e)	Delete the words the most recent after the words on the date.
Page 1209	2.	329 IAC 9-1-1(f)	Delete (f) and add (f) Owners or operators: (1) performing a task or measure before the effective date of the 2003 amendments to 329 IAC 9; or (2) taking an action, such as submitting reports, plans, or notifications received by the agency on a date before the effective date of the 2003 amendments to 329 IAC 9, will be governed by 329 IAC 9 before it was amended in 2003.
Page 1209	3.	329 IAC 9-1-1(g)	Add (g) and add (g) Owners or operators completing any requirement of 329 IAC 9, including: (1) performing a task or measure on or after the effective date of the 2003 amendments to 329 IAC 9; or (2) taking an action, such as submitting reports, plans, or notifications received by the agency on a date on or after the effective date of the 2003 amendments to 329 IAC 9, will be governed by 329 IAC 9 as amended in 2003.
Page 1211	4.	329 IAC 9-1-36.5	Add the definition Piezometer defined Sec. 36.5. Piezometer means a type of monitoring well or other device that is constructed for the purpose of measuring hydraulic head in the ground water.
Page 1212	5.	329 IAC 9-2-1(1)(C)(ii)	Delete the bold 2001 and unstrike 1998 .
Page 1212 Page 1213 Page 1216 Page 1218 Page 1219	6.	329 IAC 9-2-1(2)(B)(iv)(AA) 329 IAC 9-2-1(2)(C)(iii)(AA) 329 IAC 9-2.1-1(c)(1)(A) 329 IAC 9-3.1-1(a)(4)renumbered 329 IAC 9-3.1-4(b)(1)(A)	Delete the words Article 79 , 1998 and 675 IAC 22-2.2 . Add the word 675 IAC 22 after the words building safety commission .
Page 1215	7.	329 IAC 9-2.1-1(b)(2)	In clause (B), delete the words lined tank is and add the words lining and tank are after the words every five years thereafter, the . Add the words and tank after the words structurally sound with the .

			lining®. Delete Aoriginal design specifications® and add Arequirements under 329 IAC 9-3.1-4" . Add clause D to read, A(D) If the lined tank cannot meet the performance standards under clause (B), closure of the tank according to 329 IAC 9-6 is required.®
Page 1218	8.	329 IAC 9-3-2	Add the words A, unless the commissioner makes a determination that only an electronic copy is needed.® after the words Apaper copy® .
Page 1218	9.	329 IAC 9-3.1-1(a)(4)	Delete the word Afollowing® and clause (A).
Page 1220	10.	329 IAC 9-3.1-4(b)(2)	Delete the word Areplaced® after the words Atank must be® and add the words Aclosed according to 329 IAC 9-6."
Page 1220	11.	329 IAC 9-3.1-4(b)(7)	Add the words Arequired to be® after the words Ais not® in the second sentence.
Page 1224	12.	329 IAC 9-5-5.1(a)(1)	Add the words A,site-specific location,® after the words Aon the nature® .
Page 1224	13.	329 IAC 9-5-5.1(b)	Delete the words Aforty-five (45)® after the word AWithin® and add Asixty (60)® .
Page 1225	14.	329 IAC 9-5-5.1(b)(2)(A)(vii)	Delete the words Aand well fields® after the word Aschools® and add Awells, well fields, or wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1" .
Page 1225	15.	329 IAC 9-5-5.1(b)(2)(E)	In item (vi)(DD) add the words Asoil® before the words Aboring logs® . Delete the words Agive lithologic descriptions, degree of sorting, sedimentary contacts, gas readings, and vapor readings ® after the words Aboring logs that® . Add the words Ainclude method of drilling, total depth of boring, type and thickness of formations or materials encountered, including color, hardness, and a geological description, soil vapor readings, name and address of drilling company , name and license number of drilling operator, and signature of licensed driller, or environmental professional who logged the boring." after the words Aboring logs that® . In item (vi)(EE) add the words Asoil® before the words Aboring logs® . In item (vii)(AA) add Ameasured in a piezometer or monitoring well® after the words Aground water® . Delete item (vii)(CC) and renumber subsequent subitems. In renumbered item (vii)(CC) add the words Aground water samples collected from locations most likely

to be contaminated and a description of the method of sample collection after the word **Athree (3)** and delete the words **Amonitoring wells screened across water table fluctuation and not placed in a straight line**.

In renumbered item (vii)(DD) add the words **AA minimum of three (3)** before the words **Amonitoring wells** and the words **Aor piezometers** after the words **Amonitoring wells** and after the words **Amust be** add the words **Ascreened across water table fluctuation and not placed in a straight line. Monitoring wells must be installed, when time series ground water quality monitoring is required,**. Delete the bold words **As per the requirement of rules of the department of natural resources at 312 IAC 13**.

In renumbered item (vii)(EE) add the words **Aand piezometer** after the words **AMonitoring well**.

In renumbered item (vii)(FF) add the word **AMonitoring** before the word **AWell**, add the words **Aor piezometer** after the words **AMonitoring well**, add the word **Aground** before the word **Asurface**, add the words **Acasing size and materials** after the word **Aelevations**, add the words **Aslot size** after the words **Ascreen length**, and add the words **Amethod of drilling or well installation, borehole size, name and address of drilling company, name and license number of the equipment operator, type, depth and thickness of grouting materials, method of installation, and signature of licensed driller**. after the words **Abottom of screen**. Delete the word **Aand** after the word **Amaterials** and delete the word **Aand** after the words **Aslot size**.

Add new (GG) to read **A(GG) Monitoring well or piezometer stratigraphic logs that meet the requirements of rules of the natural resources commission at 312 IAC 13, and include method of drilling, total depth of boring, type and thickness of formations or materials encountered, including color, hardness, and a geological description, soil vapor readings, borehole diameter, well diameter, name and address of drilling company, name and license number of drilling operator, and signature of licensed driller, or environmental professional who logged the well or piezometer boring**.

Page 1226	16.	329 IAC 9-5-5.1(b)(2)(E)(viii)(EE)	Add the words Amonitoring well locations surveyed with after the words Aone (1) foot, and
Page 1226	17.	329 IAC 9-5-5.1(b)(2)(H)	Add the words Aunder section (6) of this rule after the words Afurther site investigations .
Page 1226	18.	329 IAC 9-5-5.1(b)(3)(C)	

Page 1229		329 IAC 9-5-7(f)(1)(J)(iii)	
Page 1229		329 IAC 9-5-7(f)(1)(K)(vi)(CC)	
Page 1229		329 IAC 9-5-7(f)(1)(L)(ii)(CC)	Add the words As certified by the Institute of Hazardous Material Management after the words Ahazardous materials manager (CHMM) .
Page 1227	19.	329 IAC 9-5-6(a)(1)	Delete the word And after the words As incomplete and add the word or .
Page 1227	20.	329 IAC 9-5-6(a)(2)	Delete the words Aconstituent of concern and add the word Acontaminant .
Page 1227	21.	329 IAC 9-5-6(b) renumbered	Add A(b) During the further site investigation the owner or operator must do the following if evidence exists that a contaminant exceeds the cleanup objectives under IC 13-12-3-2. (1) Install a minimum of three (3) ground water monitoring wells, if at least three (3) wells were not installed during the initial site investigation under 329 IAC 9-5-5.1. Additional monitoring wells may be required to fully define the extent of contamination. (2) Take a ground water sample from each of the monitoring wells and report the analytical results to the agency. (3) Provide a description of the method for collecting the ground water samples. (4) Monitoring wells must be screened across water table fluctuation and not placed in a straight line. (5) Monitoring wells must be installed as per the requirement of the rule of the natural resource commission at 312 IAC 13 -8-3.
Page 1227	22.	329 IAC 9-5-6(c) renumbered	Delete the word A(a) after the word Asubsection and add A(b) . Add As well as the following information: (1) Hydraulic conductivity. (2)Transmissivity. (3) Storativity. (4) Confined or unconfined condition. (5) Porosity of the aquifer or aquifers involved. (6) The average linear velocity of the ground water in the aquifer or aquifers involved. after the words Aof this rule .
Page 1227	23.	329 IAC 9-5-6(d) renumbered	Add the words AProvide a complete before the word ADiscussion .
Page 1227	24.	329 IAC 9-5-7(b)	In subdivision (5), after the words Aadjacent residences add the words A, wells, well fields, or wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1 .
Page 1228	25.	329 IAC 9-5-7(e) 329 IAC 9-5-7(f)(1)(C)(ix)	Delete A675 IAC 22-2.2 and add A675 IAC 22 .

Page 1229	26.	329 IAC 9-5-7(f)(1)(G)(v)	Add item (v) to read ADiscussion of disposal or fate of treated air, soil, and ground water, and permit or discharge requirements.
Page 1229	27.	329 IAC 9-5-7(f)(1)(J)	Delete the words Provisions for before the words the corrective action . Delete the word to before the words be signed and add the word must .
Page 1229	28.	329 IAC 9-5-7(f)(1)(K)(vii)	Delete the word Afunction after the words does not and add the words operate, and repairs or maintenance performed or needed by the remediation system . In the second sentence delete the words pumped with the remediation system and add the words of air, soil, or ground water extracted and treated by the remediation system, and effluent stream sample results .
Page 1230	29.	329 IAC 9-6-2.5(a)(2)	Add the word and after the words Closure sampling .
Page 1231	30.	329 IAC 9-6-2.5(a)(5)(B)(iii)(EE)	Delete the words and well fields after the word Aschool and add wells, well fields, or wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1 .
Page 1231	31.	329 IAC 9-6-2.5(a)(5)(B)(iv)(FF)	Delete the words and wells or well fields after the word Aschool and add wells, well fields, or wellhead protection areas delineated under rules of the water pollution control board at 327 IAC 8-4.1 .
Page 1232	32.	329 IAC 9-6-2.5(c)(1)(B)	Delete this clause and renumber (C) to (B).
Page 1233	33.	329 IAC 9-6-2.5(e)(2)	Delete the word Adepth after the words Athirty (30) feet .
Page 1233	34.	329 IAC 9-6-2.5(f)(4)	Delete subdivision (4) and renumber the subsequent subdivisions.
Page 1233	35.	329 IAC 9-6-2.5(f)(5) renumbered (4)	Delete the words Aan additional after the words Athirty (30) feet , and add Aa before the words Asoil sample . Delete the words Aor a minimum depth of thirty (30) feet after the words Abase of the boring .
Page 1234	36.	329 IAC 9-6-2.5(h) renumbered (i)	Delete subsection (h) and add the language as (c)(5) of that section: A(5) During removal closure, native soil and backfill that is to be returned to the underground storage tank excavation must be sampled. The

sampling must meet the requirements as follows:

(A) The exposure criteria in accordance with IC 13-12-3-2.

(B) One (1) discrete grab sample must be taken for every fifty (50) cubic yards of native soil or backfill.®

Page 1234 37. 329 IAC 9-6-2.5(i)

Renumber (i) to (h).

Page 1234 38. 329 IAC 9-6-3

Add the words **A the closure must be performed by a person certified under®** after the words **Ain** accordance with this rule, **and®**

Page 1238 39. 329 IAC 9-7-4(6)(E)(ii)

Delete the words **Adepartment of natural resources®** and add **Anatural resources commission®** after the words **Arules of the®**.